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8

9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

CASE NO. 1:21-cr-00051-JCC-BAM

13 STIPULATION AND ORDER TO RESET STATUS  
14 CONFERENCE

v.

15 OSCAR ORELLANA GUEVARA,

16 Defendant.

17 THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United  
18 States Attorney, Robert Veneman-Hughes, on behalf of the government, and Michael Berdinella, Esq.,  
19 on behalf of defendant Oscar Orellana Guevara (“Guevara”), move to continue the status conference set  
20 for September 25, 2024 to November 13, 2024 at 2 PM, and stipulate as follows:

- 21 1. The government has informed defendant’s counsel that the defendant is connected to a  
22 substantially larger case, U.S. v. Leiva-Leiva et al, 22-cr-00232. The Leiva case has voluminous  
23 discovery which is relevant to Guevera’s trial.  
24  
25 2. This connection was discovered after witnesses came forward in the spring of 2024.  
26  
27 3. Because of this connection, the government has provided defendant with substantial additional  
discovery, present at 750 GB of files and counting.  
28  
4. The government filed a notice of related cases and because of that notice the chief judge has

1 assigned this case to an out of district District Judge for trial along with the Leiva-Leiva case.  
2

- 3 5. Defendant has sought additional resources from the Chief Judge, including additional personnel,  
4 to review discovery and prepare for trial.  
5  
6 6. Defense counsel requires additional time to review discovery and bring new counsel up to speed  
7 on the state of the case.  
8  
9 7. Previously, time had been excluded until September 25, 2024.  
10  
11 8. By this stipulation, the defendant moves to continue the status conference to November 13, 2024,  
12 and exclude time until that date.  
13  
14 9. The government does not object to this continuance.  
15  
16 10. The parties agree and stipulate, and request that the Court find the following:  
17  
18 i) The government has represented that the discovery associated with this case includes  
19 investigative reports, and related documents, photographs, etc., in electronic form. All of this  
20 discovery has been either produced directly to counsel and/or made available for inspection  
21 and copying.  
22  
23 ii) Defense counsel requires additional time to review discovery and investigate.  
24  
25 iii) The government does not object to the continuance.  
26  
27 iv) Based on the above-stated findings, the ends of justice served by continuing the case as  
28 requested outweigh the interest of the public and the defendant in a trial within the original  
date prescribed by the Speedy Trial Act.  
29  
30 v) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,  
31 within which trial must commence, the time period of September 25, 2024, to November 13,  
32 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. §  
33 3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's  
34 request on the basis of the Court's finding that the ends of justice served by taking such  
35 action outweigh the best interest of the public and the defendant in a speedy trial.

11. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy  
1 Trial Act dictate that additional time periods are excludable from the period within which a trial  
2 must commence.  
3  
4  
5

6 Dated: September 18, 2024

PHILLIP A. TALBERT  
United States Attorney

8 /s/ ROBERT L. VENEMAN-HUGHES  
9 ROBERT L. VENEMAN-HUGHES  
Assistant United States Attorney

10 Dated: September 18, 2024

11 /s/ MICHAEL BERDINELLA  
MICHAEL BERDINELLA  
12 Counsel for Defendant  
OSCAR ORELLANA  
13 GUEVARA  
14

15 **ORDER**

16 IT IS SO ORDERED that the status conference is continued from September 25, 2024, to  
17 November 13, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.

18 Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv).  
19

20 IT IS SO ORDERED.  
21

22 Dated: September 18, 2024

/s/ Barbara A. McAuliffe

23 UNITED STATES MAGISTRATE JUDGE  
24  
25  
26  
27  
28